

REMARKS

This application has been carefully reviewed in light of the Office Action mailed December 2, 2004 ("Office Action"). At the time of the Office Action, Claims 10-19 and 25-37 were pending in the application. The Examiner rejected Claims 10-13, 15-19, and 25-37; and objected to Claims 14 and 16. Applicant has amended Claims 15, 16, and 31. Applicant respectfully requests reconsideration and favorable action of all pending claims in view of the following remarks.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that Claim 14 would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. However, as discussed below, Applicant believes that independent Claim 10 (from which Claim 14 depends) is also allowable. Therefore, Applicant has not amended Claim 14.

Claim Objections

The Examiner objects to Claim 16 for certain informalities. Applicant has amended Claim 16 to correct the antecedent basis issues identified by the Examiner. Accordingly, Applicant respectfully submits that Claim 16 is in accordance with 35 U.S.C. § 112, second paragraph. Therefore, Applicant respectfully requests reconsideration and allowance of Claim 16.

Section 102 Rejections

The Examiner rejects Claims 10-12, 15-19, 25-29, and 34-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,112,305 issued to Dancs et al. ("*Dancs*"). For the reasons discussed below, Applicant respectfully traverses these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . .

claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (*emphasis added*). Whether considered alone or in combination with any other cited references, *Dancs* does not disclose, either expressly or inherently, each and every element of the claims.

For example, Applicant respectfully submits that *Dancs* does not disclose, teach, or suggest "determining an identification key associated with the input device, the identification key uniquely identifying the input device," as recited in Applicant's amended Claim 10. To the contrary the system disclosed in *Dancs* merely discloses a smart card that allows manufacturers of network computer client devices (NCs) "to authorize usage of its NCs only to access those specific internet service providers (ISPs) with which it has established business relationships." (Column 1, lines 60-63). "Each smart card is typically associated with an individual user" and "will contain information pertinent to a specific user's relationship with one or more specific ISPs." (Column 3, line 67 through Column 4, line 3). Although the smart card may also include an ENTERPRISE_ID, the ENTERPRISE_ID, as disclosed in *Dancs*, is merely "a unique identifier for either an ISP or corporate client." (Column 4, lines 49-51). Thus, the smart card is merely used to carry individual information about the user, an ISP, or a corporate client. The information stored on the smart card does not uniquely identify the smart card.

In operation, *Dancs* discloses that once powered on the "NC client device 101 checks to see if a smart card 102 is inserted." (Column 7, lines 16-20). "[I]f there is a Personal Identification Number (PIN) associated with the smart card 102, the NC client device 101 asks for the user's personal identification number and compares it with the PIN on the smart card 102." (Column 7, lines 20-24). "If the PINs do not match, then the process stops." (Column 7, lines 24-25). However, if the PINs do in fact match, a determination is made as to whether "the smart card ENTERPRISE_ID matches an ENTERPRISE_ID found in the nonvolatile memory 203 of the NC client device 101." (Column 7, lines 25-27). "If there is no match between the ENTERPRISE_ID on the smart card 102 and the NVRAM," *Dancs* discloses that a relationship server 111 is dialed at step 1007 "to provide the appropriate [Internet Access Provider (IAP)] connection information." (Column 7, lines 28-32 and Column 9, lines 14-16). Thus, the

information stored on the smart card is used to identify an enterprise with whom a relationship with an ISP exists for determination of an ISP that may be accessed. As a result, "NC manufacturers and distributors may . . . ensure that the NCs they manufacture or distribute are able to connect only to internet service providers (ISPs) that they authorize." (Column 3, lines 58-61). Since the ENTERPRISE_ID is used to associate the enterprise (i.e., manufacturer or distributor) with an ISP, every user using an NC associated with the enterprise would have a smart card with the same ENTERPRISE_ID. At least for these reasons, Applicant respectfully submits that the ENTERPRISE_ID cannot be said to be analogous to Applicant's identification key.

Furthermore, even if the disclosed smart card is analogous to Applicant's claimed input device for purposes of determining an identification key (which Applicant disputes above), the managed access system of *Dancs* cannot be said to receive "a request via the input device to process the electronic communication request, the request process selected from the group consisting of a forward request, a send request, a save request, a delete request, a reply request and a check request," as recited in Applicant's Claim 10. As described above, the smart card is merely used to carry information about the user, an ISP, or a corporate client which may be used to authorize the use of the NC with respect to an ISP. (Column 3, line 67 through Column 4, line 3; Column 4, lines 49-51). *Dancs* discloses that when the NC is powered on, the NC client device checks to see if a smart card is inserted into the NC's smart card slot. (Column 7, lines 9-16). As described above, the information stored on the smart card is then accessed to determine whether "the smart card ENTERPRISE_ID matches an ENTERPRISE_ID found in the nonvolatile memory 203 of the NC client device 101." (Column 7, lines 25-27). Thus, *Dancs* does not disclose, teach, or suggest "receiving a request via an input device to process the electronic communication request," as recited in Applicant's Claim 10.

Additionally, Applicant respectfully submits that the Examiner is not giving credence to each and every word recited in Applicant's claims. The M.P.E.P. provides that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). As described above, *Dancs* merely discloses that the system allows manufacturers of

NCs "to authorize usage of its NCs only to access those specific internet service providers (ISPs) with which it has established business relationships." (Column 1, lines 60-63.) Because the information on the smart card is merely accessed to identify an appropriate ISP, Applicant respectfully submits that the request process recited in Applicant's Claim 10, which is "selected from the group consisting of a forward request, a send request, a save request, a delete request, a reply request and a check request" is completely absent from the disclosure of *Dancs*.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 10, together with Claims 11-19 that depend from Claim 10.

The Examiner also relies upon *Dancs* to reject Independent Claims 25 and 34. However, independent Claim 25 recites "determining an identification key associated with the input device, the identification key uniquely identifying the input device" and "processing an email upon receiving a valid request from the input device to either forward, send, save, delete, reply, or check the email." Claim 34 recites logic operable to "determine an identification key associated with the input device, the identification key uniquely identifying the input device" and "process an electronic communication upon receiving a valid request from the input device to process the email." Accordingly, for reasons similar to those described above with regard to independent Claim 10, Applicant respectfully submits that *Dancs* does not disclose, teach, or suggest each and every limitation of Applicant's Claims 25 and 34.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 25 and 34, together with Claims 26-29 and 35-37 that depend from Claims 25 and 34, respectively.

The Examiner rejects Claims 31-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,075,860 issued to Ketcham ("*Ketcham*").

Although Applicant continues to believe that Claims 31-33 are allowable over the prior art since the elements recited in *Ketcham* are not the equivalents of Applicant's 35 U.S.C. § 112, paragraph 6 claim limitations, Applicant has amended Claim 31 to advance prosecution of this

case and to simplify the issues before the Examiner. Claim 31 now recites "means for determining an identification key operable to identify the input device, the identification key uniquely identifying the input device" and "means for processing the email using the requesting process upon validating the identification key." Accordingly, for reasons similar to those described in the previous Response to Office Action submitted on July 16, 2004, and for reasons similar to those described above with regard to independent Claim 10, Applicant respectfully submits that independent Claim 31 is allowable over the references cited by the Examiner.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 31, together with Claims 32-33 that depend from Claim 31.

Section 103 Rejections

The Examiner rejects Claims 13 and 30 under 35 U.S.C. § 103(a) as being unpatentable over *Dancs* in view of U.S. Patent No. 5,974,549 issued to Golan ("*Golan*").

Since Claims 13 and 30 incorporate the limitations of their respective independent claims, which Applicant has shown above to be allowable, Claims 13 and 30 are allowable for at least this reason. Additionally, Claims 13 and 30 also recite additional limitations that are not disclosed, taught, or suggested in the prior art. Because Applicant has shown the independent claims to be allowable, Applicant has not provided detailed arguments with respect to Claims 13 and 30. However, Applicant remains ready to do so if it becomes appropriate.

For at least this reason, Applicant respectfully requests reconsideration and allowance of Claims 13 and 30.

CONCLUSION

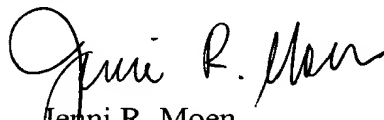
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6809.

Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Elmore Schier
Serial No.: 09/752,046
Filed: December 29, 2000
Examiner: Christopher A. Revak
Art Unit: 2131
Title: DEVICE, SYSTEM, AND METHOD FOR CAPTURING
EMAIL BORNE VIRUSES

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Response pursuant to 37 C.F.R. § 1.111 (14 pages) Baker Botts return postcard (1 postcard), and this Certificate of Mailing (1 page) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 21st day of February 2005, and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

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